

### **REMARKS/ARGUMENTS**

In the Office Action claims 13 and 14 were rejected under 35 USC § 103 (a) as being unpatentable over the Wemp reference in view of the Kraft reference. Claim 13 is an independent claim and claim 14 depends from claim 13. Claim 13 defines a force transmitting aggregate for a wet disk clutch having a core plate with a front side and a back side. The front and back sides of the core plate are provided with a friction lining and the friction lining has a spring characteristic. The friction lining is characterized in that it increases in thickness in the radial direction wherein the friction lining is compressed during an engagement of the force transmitting aggregate whereby the friction lining is substantially parallel to the front and back sides of the core plate. Dependent claim 14 adds that the thickness of the friction lining increases conically from the outside toward the inside or increases conically from the inside toward the outside.

The Wemp reference is directed to a dry clutch having a disk with a plurality of wings that extend at an angle with respect to the plane of the disk. The wings are formed in the same material as the disk. The material of the disk is selected to be springy so that the wings can be flexed or displaced with regard to the plan of the disk. A friction material is positioned on the face of the clutch disk, but the friction material is not placed on the flexible wings that are formed on the disk. As clearly stated in the third column, lines 13-22 and lines 45-58, there is no friction material on the flexible wings. In addition, this portion of the patent clearly states that the friction engaging material is secured to the disk at points which remain substantially in the plane. Thus, there is no disclosure or suggestion in the Wemp reference of a friction lining having an essentially planar surface with at least one raised surface where the raised surface has a spring characteristic as defined by applicants' claims. Instead, the Wemp reference at column three, lines 19-22, clearly states that the friction engaging material remains substantially in the plane of the disk. The Wemp reference does not disclose a core plate with a friction

lining where the friction lining increases in thickness in the radial direction. There is also no disclosure or suggestion in the Wemp reference of a friction lining having a spring characteristic. It is applicant's position that the flexible wings of the Wemp reference, which do not contain a friction lining, teaches away from the invention defined by applicants' claims. In addition, the Wemp reference is directed to a dry clutch device that will not work in the wet clutch environment covered by applicant's claimed invention. Accordingly, it is the applicants' position that the Wemp reference does not disclose or suggest the invention defined by applicants' claims 13 and 14 and that this reference does not form a proper basis for rejecting the claims.

The Kraft discloses a clutch disk that is used in a dry environment that has a friction element composed of a plurality of endless deformable ribs. However, it is not seen how the Kraft and Wemp references can be combined as the Wemp reference states in column three, lines 45-50, that the friction engaging material employed is preferably a rather stiff composition. Placing the deformable ribs of the Kraft reference on the clutch disk of the Wemp reference is consistent with the teachings of the Wemp reference. It is submitted that such a combination is not anticipated or suggested by either reference and that such a combination of the teachings is not consistent with the technical objective of either reference. In addition, the Kraft and Wemp references are directed to a dry clutch technology and the technology disclosed in these references would not function in a fluid lubricated wet clutch application which is the invention covered by applicants' claims. As set forth above, the Kraft reference does not supply the deficiencies of the previously discussed Wemp reference. The Kraft reference, taken individually or in combination with the Wemp reference, does not disclose or suggest the invention defined by applicants' claims 13 and 14. It is submitted that the Kraft and Wemp references do not form a proper basis for rejecting the claims under 35 USC § 103 (a) and the Examiner is respectfully requested to withdraw this basis of rejection for the claims.

Appl. No. 10/617,461  
Amdt. Dated July 10, 2006  
Reply to Office Action of May 19, 2006

The applicants' would like to thank the Examiner for the favorable action with respect to claims 1, 4-7, 10-12 and 18.

In view of the arguments and distinctions set forth in this amendment, it is applicants' position that claims 13 and 14 patentably distinguish over the references relied upon by the Examiner. Accordingly, a favorable action on these claims is respectfully requested.

Respectfully submitted,  
EMCH, SCHAFFER, SCHAUB  
& PORCELLO CO., L.P.A.

By: Charles R. Schaub  
Charles R. Schaub  
Reg. No. 27,518  
Tel.: (419) 243-1294

CRS/jle